

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/19/2009 has been entered.

Applicants amendment of claims 1, 8 and 15, in the paper of 8/19/2009, is acknowledged. Claims 1-3, 5-10 and 12-26 are present and at issue.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jean Lockyer on 10/19/2009.

The application has been amended as follows:

In claim 2, change "A method" to "The method".

In claim 3, change "A method" to "The method".

In claim 5, change "A method" to "The method".

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In claim 6, change “A method” to “The method”.

In claim 7, change “A method” to “The method”.

In claim 9, change “A method” to “The method”.

In claim 10, change “A method” to “The method”.

In claim 12, change “A method” to “The method”.

In claim 13, change “A method” to “The method”.

In claim 14, change “A method” to “The method”.

In claim 16, change “A method” to “The method”.

In claim 17, change “A method” to “The method”.

In claim 18, change “A method” to “The method”.

In claim 19, change “A method” to “The method”.

In claim 20, change “A method” to “The method”.

In claim 21, change “A method” to “The method”.

In claim 22, change “A method” to “The method”.

In claim 23, change “A method” to “The method”.

In claim 24, change “A method” to “The method”.

In claim 25, change “A method” to “The method”.

In claim 26, change “A method” to “The method”.

Allowable Subject Matter

Claims 1-3, 5-10 and 12-26 are allowed.

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The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest a method of amplifying a nucleic acid comprising contacting the target nucleic acid with a DNA polymerase comprising a sequence-non-specific double-stranded nucleic-acid-binding domain that comprises an amino acid sequence that has at least 75% identity to the amino acid sequence of SEQ IC NO:2 joined to a DNA polymerase domain.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard G. Hutson whose telephone number is 571-272-0930. The examiner can normally be reached on M-F, 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rg
10/19/2009

/Richard G Hutson/
Primary Examiner, Art Unit 1652